

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No.: 3:08-CR-135-TAV-HBG
)	
LESLIE BENSON,)	
)	
Defendant.)	

ORDER

This criminal case is before the Court on the defendant's *pro se* motion, which requests that his "prior state of Tennessee prison time" run concurrent with the sentence imposed in this case [Doc. 71]. The defendant asserts he has exhausted his administrative remedy process with the Bureau of Prisons [*Id.*].

The defendant was charged with the intent to distribute fifty grams or more of cocaine base, in violation of 21 U.S.C. § 841(a)(1) and (b)(1)(A) [Doc. 1]. He pleaded guilty, pursuant to a plea agreement, to the lesser included offense of possession with intent to distribute five grams or more of cocaine base, in violation of 21 U.S.C. § 841(a)(1) and (b)(1)(B) [Doc. 52]. The parties agreed that a sentence of 180 months' imprisonment, followed by eight years of supervised release, would be an appropriate disposition [*Id.*].

The defendant seeks a concurrent sentence with respect to his prior state prison time. While a sentencing court may impose a concurrent, partially concurrent, or

consecutive sentence, *Setser v. United States*, 132 S. Ct. 1463 (2012); U.S. Sentencing Guidelines Manual § 5G1.3(d), the Court notes that the prior prison time appears to refer to conduct unrelated to the offense to which the defendant pleaded guilty in this case. The Court further notes that the defendant's criminal history has involved assault against others, including women, and the defendant received suspended sentences in many cases. Without any additional authority from the defendant for the relief he seeks, the Court therefore **DENIES** the motion [Doc. 71].

IT IS SO ORDERED.

s/ Thomas A. Varlan
CHIEF UNITED STATES DISTRICT JUDGE